

# AUSTIN CITY COUNCIL AGENDA



Thursday, July 27, 2006

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## Public Works RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 39

**Subject:** Approve an ordinance vacating a portion of right-of-way of the 1300 block of Woodlawn Boulevard to Carolyn Wier and Mildred Casparis, to be used for landscaping and preservation of century-old oak trees.

### Additional Backup Material

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- ☐ [FIELD NOTES](#)
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- ☐ [Ordinance](#)
- ☐ [letter from citizen](#)
- ☐ [Letter](#)
- ☐ [Letter](#)
- ☐ [UTC Commission](#)
- ☐ [Application Letter](#)

**For More Information:** Alex Papavasiliou 974-7087; Laura Bohl 974-7064.

**Boards and Commission Action:** Recommended by the Urban Transportation Commission and the Planning Commission.

The request for the vacation of Woodlawn Blvd. has been submitted by Carolyn Wier and Mildred Casparis.

The area being requested for vacation will be used for landscaping and preservation of century-old oak trees. All affected departments and franchise holders have reviewed this request and recommend approval, subject to the area being retained as a public utility easement. Property owners within 300 feet of the area to be vacated were notified of the proposed vacation on July 1, 2005. Two objections were received (attached).

The appraised value is \$173,680. The Real Estate Services Division of the Public Works Department has received certified funds for this amount.

In February 2006, David Gottfried submitted a letter to the Real Estate Services Division concerned with the "overdevelopment of 1631 Palma Plaza." At the same time, Mr. Gottfried filed an Open Records Request to access information pertaining to the right-of-way vacation. In March, after Mr. Gottfried obtained the contact information of city staff who reviewed the file; he sent a letter requesting city staff to "reconsider your approval of proposed vacation..." In April 2006, Jean Stevens, Chairperson of the Old West Austin Neighborhood Association's Zoning and Land Use Committee, sent an email to City Council to "reconsider the sale of the property."

EXHIBIT "A"

City of Austin  
to  
Carolyn Wier & Mildred Casparis

May 8, 2005

**FIELD NOTES**

**FIELD NOTES 0.15 ACRE OF LAND, MORE OR LESS, OUT OF AND PART OF WOODLAWN BOULEVARD, A PUBLIC ROAD AS SHOWN ON "ENFIELD E", A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 3, PAGE 180, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.15 ACRES OF LAND ADJOINING THOSE CERTAIN TRACTS OF LAND CONVEYED TO HARVEY E. DEEN AND WIFE ALLIE L. DEEN IN VOLUME 471, PAGE 441 AND VOLUME 779, PAGE 441, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING** at a iron rod set with cap stamped, "Waterloo RPLS 4324" set at the intersection of south R.O.W. of Palma Plaza, a public street in Austin, Travis County, Texas, and the east R.O.W. of Woodlawn Boulevard same being at the N.W. corner of Lot 16, ENFIELD E, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 3, Page 180, Plat Records, Travis County, Texas, for the N.E. corner hereof, from which point an iron rod found on the south R.O.W. of Palma Plaza bears S57°00'00"E at a distance of 71.12 feet;

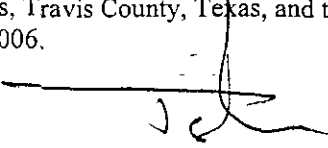
**THENCE** S30°48'00"W along the east R.O.W. of Woodlawn Boulevard, at 117.22 feet passing a pipe found at the S.W. corner of Lot 16 and in all 237.83 feet to a iron rod set with cap stamped, "Waterloo RPLS 4324" at the intersection of the north R.O.W. of Waterston Avenue at the S.W. corner of said tract recorded in Volume 779, Page 441, Deed Records, Travis County, Texas, for the S.E. corner hereof, from which point an iron rod found on the north R.O.W. of Waterston Avenue at the S.W. corner of Lot 1, Henry Henry Wetzel Jr. Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 29, Page 42, Plat Records of Travis County, Texas, bears S60°03'00"E at a distance of 74.16 feet;

**THENCE** N60°03'00"W crossing into Woodlawn Boulevard along the projected north R.O.W. of Waterston Avenue for a distance of 28.00 feet to a iron rod set with cap stamped, "Waterloo RPLS 4324" for the S.W. corner hereof;

**THENCE** N30°48'00"E crossing Woodlawn Boulevard along a line twenty-eight (28) feet west of and parallel to the east R.O.W. line of Woodlawn Boulevard for a distance of 239.32 feet to a iron rod set with cap stamped, "Waterloo RPLS 4324" in the projected south R.O.W. of Palma Plaza for the N.W. corner hereof;

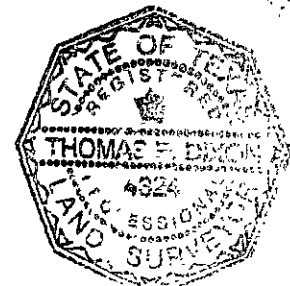
**THENCE** S57°00'00"E along the projected south R.O.W. of Palma Plaza for a distance of 28.02 feet to the **POINT OF BEGINNING**, containing 0.15 acre of land.

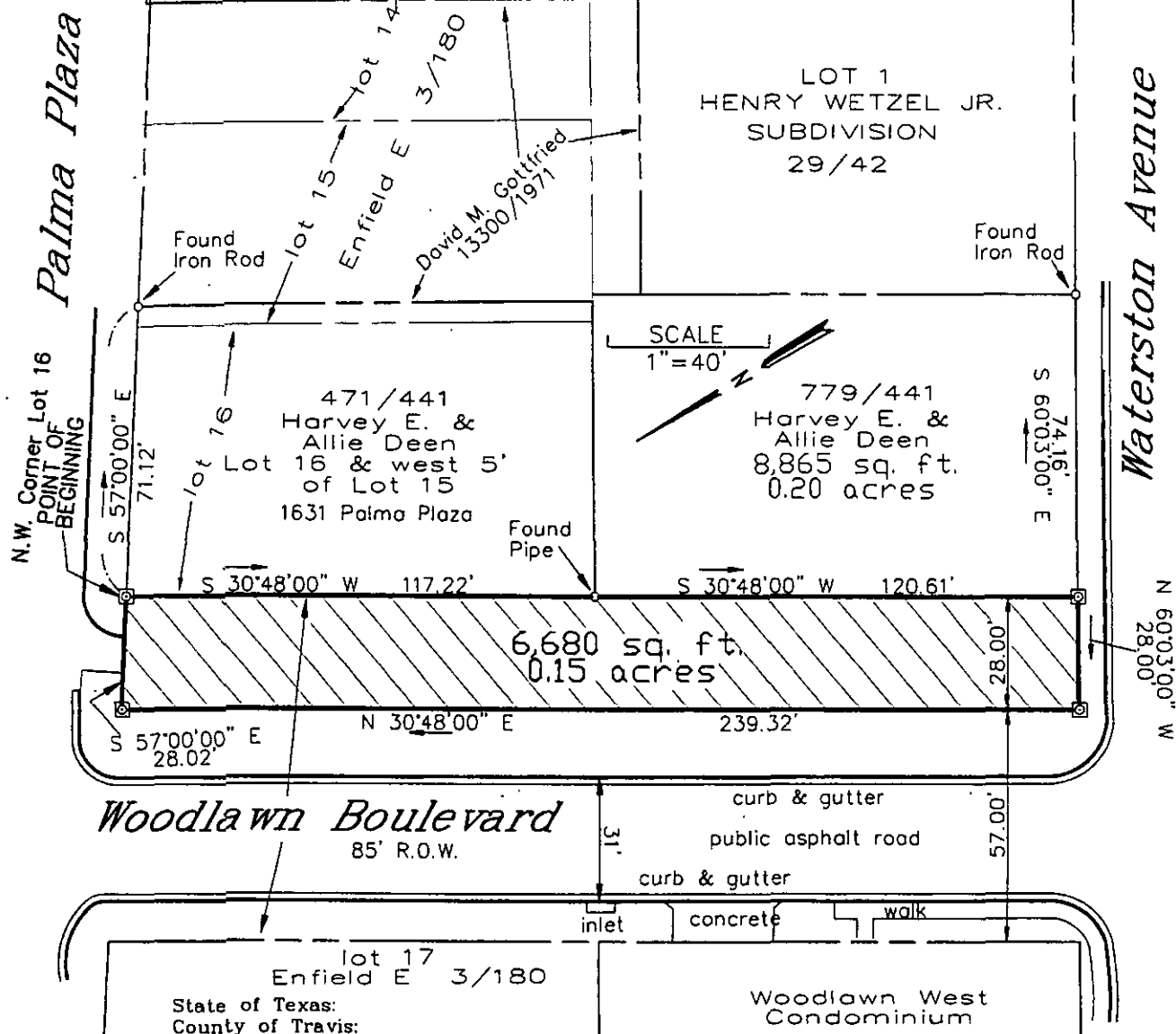
I, the undersigned do hereby certify that the field notes hereon were prepared from "ENFIELD E", a subdivision in the city of Austin, Travis County, Texas, according to the map or plat thereof recorded in Book 3, Page 180, Plat Records, Travis County, Texas, and that they are true and correct to the best of my knowledge on this the 8<sup>th</sup> day of May, 2006.

  
Thomas P. Dixon R.P.L.S. 4324

REFERENCES  
TCAD MAP 1-1103  
AUSTIN GRID H-23

FIELD NOTES REVIEWED  
By JOHN MOORE Date 5-11-2006  
Engineering Support Section  
Department of Public Works  
and Transportation



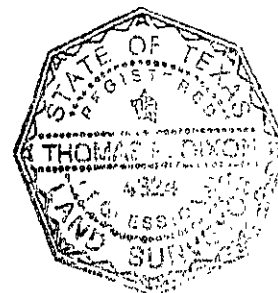


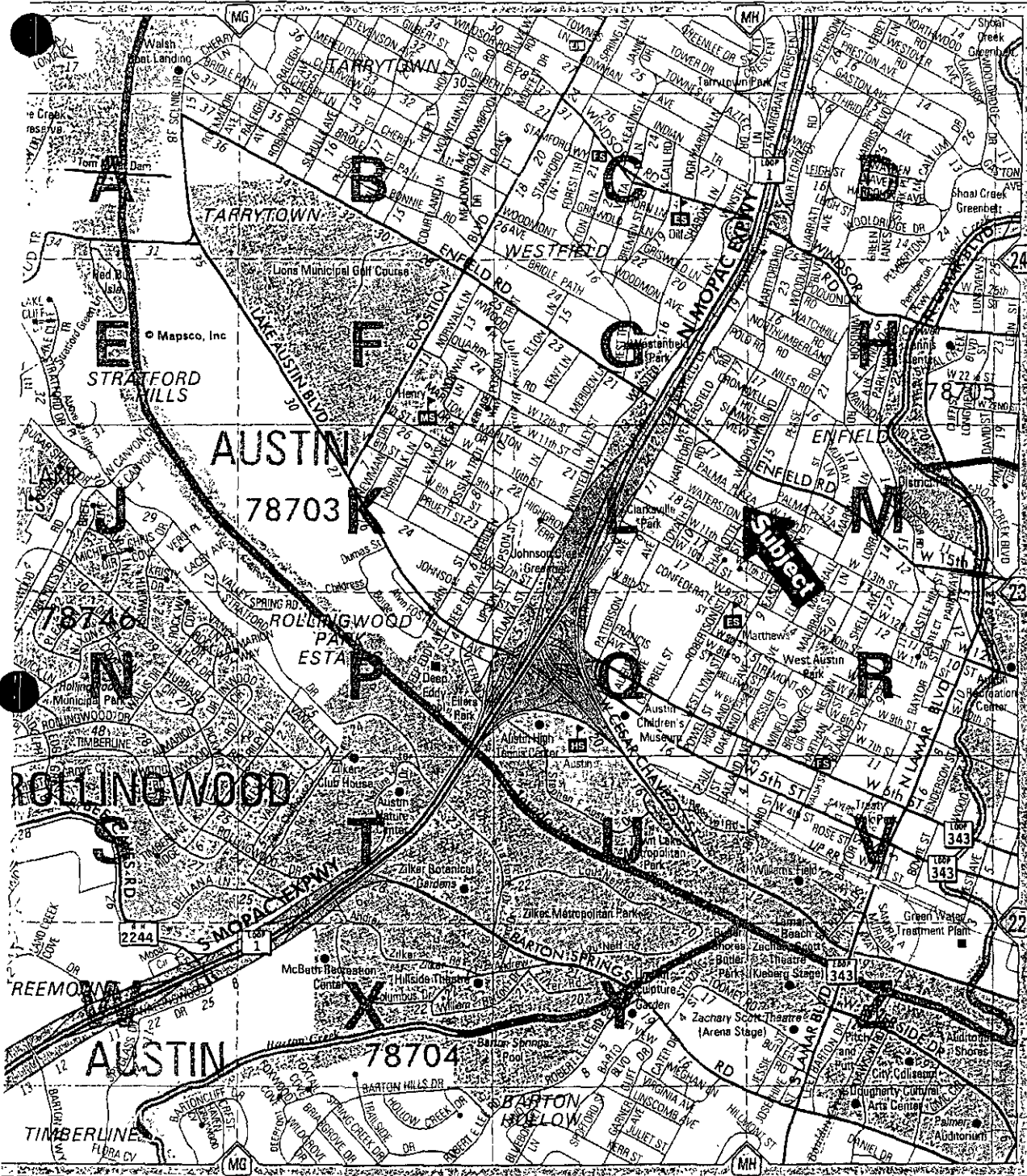
WATERLOO SURVEYORS INC.  
 PO BOX 160176  
 AUSTIN, TEXAS 78716-0716  
 Phone: 512-481-9602  
 www.waterloosurveyors.com

"THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE SKETCH HEREON WAS PREPARED FROM AN ON-THE-GROUND SURVEY AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ON THIS THE 8TH DAY OF MAY, 2006."

THOMAS P. DIXON R.P.L.S. 4324

REFERENCES  
 TCAD MAP 1-1103  
 AUSTIN GRID H-23

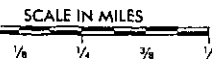




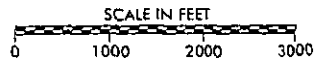
CONTINUED ON MAP 583

CONTINUED ON MAP 584

CONTINUED ON MAP 585



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**17. Ordinance****Amendment:**

**Request:** The proposed ordinance will amend the City Code to ban the use and sale of pavement sealants containing coal tar within the City's planning jurisdiction (full purpose city limits and ETJ), with the exception that the sealant may be sold if the intended application area is outside the City's ETJ.

**Staff:** Tom Ennis, 974-2722, Tom.Ennis@ci.austin.tx.us  
Nancy McClintock, 974-2652, nancy.mcclintock@ci.austin.tx.us  
Watershed Protection & Development Review

***MOTION MADE TO APPROVE ORDINANCE AMENDMENT WITH A RECOMMENDATION THAT CITY OF AUSTIN STAFF WORK WITH USGS AND THE TRADE REPRESENTATIVES IN ORDER TO DO FURTHER RESEARCH ON EFFECTIVENESS OF CONTROLS, SOURCE FINGERPRINTING, ALTERNATIVES ETC., ON A BROAD RESEARCH ABOUT PARKING LOT SEALANTS.***

***[JMC; J.R 2<sup>ND</sup>] (7-1) M.D – ABSENT; M.M – NAY***

**STREET VACATION****18. Street Vacation:****C10v-05-02**

**Request:** F#8201-0504; Vacation of right of way at the 1300 Block of Woodlawn.

**Staff Rec.:** **Recommended - Subject to area being retained as public utility easement.**

**Staff:** Alex Papavasiliou, 974-7087, alex.papavasiliou@ci.austin.tx.us  
Chris Muraida, 974-7191, chris.muraidda@ci.austin.tx.us  
Department of Public Works

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***

***[J.R; D.S 2<sup>ND</sup>] (7-0) M.M – ARRIVED LATE; M.D – ABSENT***

**B. OTHER BUSINESS****ITEMS FROM THE COMMISSION**

1. Report from the Committee Chairs

***COMMISSIONER GALINDO INVITED THE FULL COMMISSION TO THE ENVISION CENTRAL TEXAS SH-130 MEETING ON SATURDAY, NOVEMBER 19, 2005.***

*The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call John Beasley, Neighborhood Planning & Zoning Department, at 974-7280, for information, text phone users route through Relay Texas at (800) 735-2989.*

Facilitator: Jerry Rusthoven  
City Attorney: Marci Morrison, 974-2568

**THE LAW OFFICE OF DAVID M. GOTTFRIED**  
A PROFESSIONAL CORPORATION

400 WEST FIFTEENTH STREET, SUITE 200  
AUSTIN, TEXAS 78701

PHONE  
512-494-1481

FAX  
512-469-0474

March 20, 2006

Alex Papavasiliou	<i>Via Facsimile 974-7088</i>
Alfredo Torres	<i>Via Facsimile 974-6622</i>
Ricardo Soliz	<i>Via Facsimile 974-6525</i>
Pollyanne Melton	<i>Via Facsimile 974-2269</i>
Greg Guernsey	<i>Via Facsimile 974-2423</i>
Bruna Quinonez	<i>Via Facsimile 974-2326</i>
Jason Ilimes	<i>Via Facsimile 974-2326</i>
Alan Hughes	<i>Via Facsimile 974-8770</i>
Javad Oskouipour	<i>Via Facsimile 974-3010</i>
Lynn Chaumont	<i>Via Facsimile 974-3010</i>
Todd Pankey	<i>Via Facsimile 974-3584</i>
Charles Brading	<i>Via Facsimile 974-3390</i>
George Zapalac	<i>Via Facsimile 974-2423</i>

Re: F#8201-0504 Proposed Vacation of Right of Way located at the 1300 Block of Woodlawn, adjacent to 1631 Palma Plaza, to incorporate vacated area to 1631 Palma Plaza

Ladies and Gentlemen:

The purpose of this letter is to respectfully request that you reconsider your approval of the proposed vacation of the right of way in the above-referenced matter.

My neighbors at 1631 Palma Plaza, Austin, Texas are in the process of negotiating with the City of Austin for the vacation of a right of way that is adjacent to their property and currently owned by the City of Austin. The properties are located in the residential neighborhood known as Clarksville in central Austin. I live at 1629 Palma Plaza and I am very concerned about the plans for the overdevelopment of 1631 Palma Plaza. I have reviewed the application for the vacation of the right of way and see that the applicant has represented to the City of Austin that the purpose of application is to enable them to landscape the area and preserve the oak trees.

March 20, 2006


Page 2

However, my discussions with my neighbors have revealed that they are also in the process of negotiating with one or more developers who are seeking to build an apartment or condominium complex with up to 24 units on their properties, which currently consist of a single family residence built in 1938 and a vacant lot. They have apparently been offered \$1,100,000 for the property, assuming that the vacation of the right of way is granted. They told me that I would have to pay \$1,200,000 to purchase the properties and to preserve the single family residence there. These are clearly large-scale development prices. The neighborhood is overwhelmingly opposed to such overdevelopment. The vacation of the right of way would cause a substantial increase in the number of units the developer could eventually build on the properties. Ironically, the right of way owned by the City of Austin and sought by the applicants was originally intended to be used to create a divided street upon the extension of Woodlawn Boulevard to accommodate increased traffic on the street and the vacation and sale of that same right of way would cause a dramatic increase in traffic on this narrow part of Woodlawn.

Again, I respectfully request that you reconsider your position in this matter. If it is truly the intention of the applicants to protect, landscape and beautify this part of our neighborhood, then there should be no objection to the applicant's also agreeing to the limited development of the property consistent with the neighborhood. However, the use of the area in the right of way to increase the density and development on the properties under the guise of landscaping should not be tolerated.

If you have any questions or concerns, please call me at 512-494-1481.

Very truly yours,

  
David M. Gottfried

Cc: Neighborhood

Re: #8201-0504

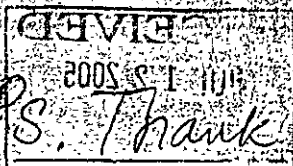
Dear Alex -

As per our conversation on July the 6th I am not in favor of the city vacating its right of way. I would propose that the city keep that as open space for trees and vegetation as opposed to setting up the easement to become part of a Condo or apartment development. Austin needs as much inner city green space even if it is long and narrow.

If you were to allow the owners of 1631 Palma to purchase the car port/driveway directly adjacent to their house, I have no objection unless they were going to tear down their house to develop a large corner lot. Please give regard to the overall density of this area and look after our trees and open vegetation that is becoming extinct.

Sincerely,

Marilyn Gaston  
4/17/10/15



P.S. Thank you for giving me the opportunity

**ORDINANCE NO.**

**AN ORDINANCE VACATING A 6,680 SQUARE FOOT PORTION OF THE 1300 BLOCK OF WOODLAWN BOULEVARD TO CAROLYN WIER AND MILDRED CASPARIS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Council approves vacating a 6,680 square foot portion of the 1300 block of Woodlawn Boulevard described in Exhibit A, attached to and incorporated as part of this ordinance, to Carolyn Weir and Mildred Casparis; subject to retention of a public utility easement over the entirety of this area.

**PART 2.** Carolyn Wier and Mildred Casparis have posted certified funds of \$173,680 (the fair market value of the right-of-way being vacated) with the City to be deposited within 10 business days after approval of this ordinance.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk

June 22, 2006

City of Austin  
Public Works/Real Estate Services Division  
505 Barton Springs Road  
One Texas Center, Suite 1350  
Austin, Texas 78704

Attn: Alex Papavasiliou

In January, 2005, our mother Allie Deen passed away leaving us as owners of her estate located at 1631 Palma Plaza. During the filling of her estate we realized that we didn't own area dedicated as right-of-way which our family has maintained and utilized since the late 1930's until present time.

Our parents built flower beds, watered, mowed and maintained century-old oak trees in this area until their death. Carolyn Deen Wier and family moved to 1631 Palma Plaza approximately 15 years ago taking care of this area which also included planting 5 additional trees in the back yard located in the right-of-way

The only way we can get to our drive-way is to drive down the right-of-way and we can only imagine why our father designed our house that would include us using the city property all these years hence one reason why we want to purchase the area.

Currently there is a City of Austin sanitary sewer line down the entire vacated area.

At this time, we have no contract to sell our property or written agreement with a real estate company. We have been told by the Public Works/Real Estate Services Division that some of our neighbors have heard rumors pertaining to us having a contract. As of this date, no neighbor has approached us inquiring about these rumors.

We have the original Abstract of Title with information dated from March 31, 1841. Interesting, however, was unable to find any historical or archival value to our property located at 1631 Palma Plaza.

Respectfully submitted,

Carolyn Deen Wier

Mildred Deen Casparis

## FAX COVER

DATE: July 10, 2005 NO. PAGES: 3, including fax cover sheet

FROM: *Mr. Darrell G. Blandford*, 1621 Waterston, Austin, TX 78703  
Phone: (512) 472-5744 -- (Home); (512) 784-3322 (Work)

TO: *Mr. Alex Papavasiliou*, Property Agent, Real Estate Services Division  
and *Mr. Chris Muraida*, City of Austin, Department of Public Works

RE: F#8201-0504 -- Vacation of right of way located at the 1300 block of Woodlawn,  
adjacent to 1631 Palma Plaza; to incorporate vacated area to 1631 Palma Plaza

---

*Dear Mr. Papavasiliou and Mr. Chris Muraida:*

Attached is my letter of opposition to the proposed vacation of right of way to  
F#8201-0504 -- located at the 1300 block of Woodlawn, adjacent to 1631 Palma Plaza; to  
incorporate vacated area to 1631 Palma Plaza.

Sincerely,

Darrell G. Blandford

City of Austin  
Dept. of Public Works and Transportation  
Real Estate Services Division  
505 Barton Springs Rd, Ste 1350  
Austin, TX 78704

July 8, 2005

Attn: Alex Papavasiliou or Chris Muraida

Fax#: 974-7088

Re: F#8201-0504 -- Vacation of right of way located at the 1300 block of Woodlawn

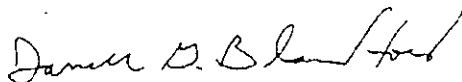
This is to inform you of my opposition to the proposed vacation. I have been a home owner at 1621 Waterston Avenue since 1984. My objections are as follows:

1. There is limited open space in our neighborhood. The easement should be retained as such to prevent it from being built upon or imperviously covered.
2. The sight lines for turning from Woodland onto Waterston are limited. The view to the West on Waterston is already blocked by the condominium development on the NW corner of Waterston and Woodland.
3. I am opposed to more development that would create more traffic for our narrow and congested street. Adding the easement to the existing properties at the SE corner of Palma Plaza and Woodland and to the NE corner of Waterston and Woodland will create one of the largest blocks of property in the neighborhood. This will greatly increase the likelihood for the construction of a large multi-family dwelling. Waterston Avenue is a narrow street with a large amount of cut-through traffic. This street cannot tolerate another large development.
4. Vacating the easement will create a very large tract which will likely be developed densely, thereby adding to the parking problems on Waterston. The existing apartment complex, built in the early 80's, across from my house on Waterston, has already created parking problems on Waterston. The 10-unit complex does not have enough parking for its tenants. Consequently, many of those tenants park on the street, competing with those of us who have no off-street parking and with all of the patrons for Jeffrie's restaurant located at Waterston and West Lynn. The three existing apartment complexes and the condominium development already existing on Waterston are enough. The parking on our street cannot handle any more developments such as those.
5. The easement was created by the city for the purpose of extending the Woodland Blvd. divided-road-with-median down to Waterston Avenue. If the easement is not retained as open space, then it should be used for its original purpose.

6. I do not know if the Clarksville Community Development Corporation or the Old West Austin Neighborhood Association have been informed of this easement vacation. I believe both entities should be informed and allowed the time to provide any input they may have regarding this matter.

If you have any questions regarding my opposition, you may reach me at 784-3322

Sincerely,



Darrell G. Blandford  
1621 Waterston Avenue

## Papavasiliou, Alex

---

**From:** Hughes, Alan  
**Sent:** Friday, October 14, 2005 10:36 AM  
**To:** Papavasiliou, Alex  
**Subject:** RE: Letter of objection

Alex: The Transportation Division has reviewed the letter of opposition to the proposed right-of-way vacation located in the 1300 block of Woodlawn. It is the Transportation position that since there are no plans to widen Woodlawn, there is no need to retain the right-of-way.

The item contained in the letter related to traffic safety was reviewed. The issue is regarding line of sight being blocked by the existing condominium project developed on the northwest corner of Waterston and Woodlawn. The line of sight is limited by the vertical geometry of the roadway, not by the condominium project.

Other items in the letter appear to be related to any proposed development that may occur sometime in the future. These items of concern would be best addressed during the planning stages of any future development, should it take place.

Please let me know if you have any questions.

Alan C. Hughes, P.E.  
Supervising Engineer  
Transportation Division  
Public Works Department  
City of Austin, Texas  
P.O. Box 1088 78767  
☎ 512-974-7202 ☎ Fax #: 512-974-7101  
Building Austin's Tomorrow, Today!

-----Original Message-----

**From:** Papavasiliou, Alex  
**Sent:** Thursday, September 29, 2005 10:20 AM  
**To:** Hughes, Alan  
**Subject:** FW: Letter of objection

Alan,

Here is a letter of objection we received for F#8201-0504, ROW vacation 1300 block of Woodlawn. Chris requested your review of this letter and any input you can provide regarding transportation and safety issues. Thanks.

Regards,

Alex Papavasiliou  
Real Estate Services  
512/ 974-7087 - Direct  
512/ 802-3377 - Pager  
512/ 974-7088 - Fax

-----Original Message-----

**From:** youremail1@yourdomain.com [mailto:youremail1@yourdomain.com]  
**Sent:** Thursday, September 29, 2005 12:15 PM  
**To:** Papavasiliou, Alex  
**Subject:**

The following document has been scanned on the Fiery and attached to this email:

## **Papavasiliou, Alex**

---

**From:** Vaughn, Leanne  
**Sent:** Thursday, November 10, 2005 3:02 PM  
**To:** Papavasiliou, Alex; Muraida, Chris  
**Subject:** Votes from the UTC meeting.

**Follow Up Flag:** Follow up  
**Flag Status:** Red

### **A. F#8201-0504 Vacation of right of way at the 1300 Block of Woodlawn**

Carolyn Wier, the applicant, discussed the reasons she wanted to vacate the property and answered the commissioners' questions. Ms. Wiers' sister, Mildred Casparis, also spoke stating she was in favor of the vacation and was available to answer commissioners' questions.

Ms. Wier stated that her parents bought the property at 1631 Palma Plaza in 1931 and built the house in 1940. They lived on the property since 1940. Her mother passed away in January 2005, at that time they had the land surveyed and found they did not own as much of the property as they thought. She stated they are interested in the driveway property, which they have maintained since the 40's. Ms. Wier stated the property has a sewer line running the entire length and also a storm drain that runs right next to the property. There will not be anything built on the property.

**Motion by:** Michelle Brinkman  
**Seconded by:** Greg Sapire

**Motion:** To grant the vacation request.

**Ayes:** Brinkman/Lockler/Clements/Goetz/Harden/Rozycki/Sapire/Williams  
**Nays:** None  
**Abstain:** None  
**Absent:** Carl H. Tepper

### **A. F#8146-0411 Vacation of the alley between North Lamar and Medical Parkway and West 38<sup>th</sup> and West 39<sup>th</sup>**

Ben Turner, the applicant, said he was there on behalf of Highland Resources. Mr. Turner discussed the reasons why they wanted the vacation of the alley property and answered the commissioners' questions.

He stated he wanted to be honest; this is the first step for Highland Resources to redevelop the entire block. Mr. Turner states at this time Highland Resources does not propose to change anything. The 39<sup>th</sup> street building is almost unusable because the parking has a continuous curb cut. In the next couple of years they would like to develop it, but the first step is to get this alley vacated.

Ms. Brinkman stated that she assumed as long as the existing structure is there, they will have to maintain the alley way for servicing purposes to the businesses. Mr. Turner said that the alley is being taken care of. It has been repaved and they continue to seal coat it.

Mr. Rozycki asked the commissioners if anyone knew if there was any opposition on this, and there was none. Mr. Turner said they talked to all of the commercial people and they didn't get any response back from them.

Mr. Goetz questioned Mr. Turner about the picture of a parking lot, and if the alley terminated into it. Mr. Turner said that the alley does terminate into the parking lot, but there is an access there for city vehicles, the lot is not blocked.

March 21, 2005

City of Austin  
Public Works/Real Estate Services Division  
505 Barton Springs Road  
One Texas Center, Suite 1350  
Austin, Texas 78704

Attn: Chris Muraida

The area to be vacated is located West of our property at 1631 Palma Plaza and 1300 block of Woodlawn Blvd. The reasons we are interested in this area is to preserve the century-old oak trees which are located in the vacated area and also to landscape with additional trees and plants. No additional development plans are available at this time. Currently there is a City of Austin sanitary sewer line down the entire right-of-way and there will be no utility adjustments necessary. There are no parking facilities in the vacated area and no increase in parking requirements.

Respectfully submitted,

*Carolyn Deen Wier*

Carolyn Deen Wier

*Mildred Deen Casparis*

Mildred Deen Casparis